

UNITED STATES OF AMERICA  
UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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DREW RAMSEY-WHITE, #241215,	)	
	)	
Plaintiff,	)	Case No. 5:05-cv-3
	)	
v.	)	Honorable Robert Holmes Bell
	)	
UNKNOWN GREER,	)	
	)	
Defendant.	)	<b><u>MEMORANDUM OPINION</u></b>
	)	

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This is a civil rights action brought by a state prisoner pursuant to 42 U.S.C. §1983. Plaintiff is an inmate at the Parnall Correctional Facility located in Jackson, Michigan. Plaintiff alleged that on or about September 4, 2004, when plaintiff was a detainee in the Ingham County jail, defendant, Deputy Sheriff Dylan Greer, violated his rights under the Equal Protection Clause by confining plaintiff to his cell for one day for not making his bed in violation of jail rules. The matter is before the court for *de novo* review on plaintiff's objections to a magistrate judge's report and recommendation recommending that defendant's motion for summary judgment be granted.

Plaintiff's initial objection is that he should now be appointed counsel in this lawsuit, because if counsel had been appointed earlier, his attorney could have done the necessary "footwork" and filed affidavits sufficient to raise a genuine issue of material fact for trial. (Objections at 3, docket # 33). Appointment of counsel is not warranted. Plaintiff enjoyed more than an adequate opportunity to complete any "footwork" necessary for his response to defendant's July 18, 2005 motion for summary judgment.

Plaintiff asserts that his affidavit is sufficient to preclude summary judgment. The court disagrees for the reasons set forth on pages 4-6 of the report and recommendation. The court finds that under the standards enunciated in *Gardenhire v. Schubert*, 205 F.3d 303, 318 (6th Cir. 2000) and the other Sixth Circuit cases cited in the report and recommendation, defendant is entitled to judgment in his favor as a matter of law.

### **Conclusion**

For the reasons stated herein, plaintiff's objections will be overruled, the magistrate judge's report and recommendation will be adopted as the court's opinion, defendant's motion for summary judgment will be granted, and judgment will be entered in defendant's favor on all plaintiff's claims.

Date: January 26, 2006

/s/ Robert Holmes Bell  
ROBERT HOLMES BELL  
CHIEF UNITED STATES DISTRICT JUDGE